

## **REMARKS**

The Office Action of February 24, 2004 has been received and its contents carefully reviewed. Additionally, Applicant would like to thank the Examiner for conducting the Interview of April 21, 2004. Applicant herein submits amendments and arguments in response to the Office Action and in accordance with the subject matter of the Interview.

Claims 1-142 were pending prior to the Interview and the Office Action. Applicant hereby asserts amends claims 1, 7, 9-11, 13, 15-18, 21, 28-31, 34, 40, 42-45, 47, 70, 81-84, 87, 91-93, 99, 105, 107-109, 111, 113-115, 119, 126-128, 130, 132, 136, and 138-141. Additionally, Applicant hereby cancels claims 6, 8, 12, 104, 106, and 110, and adds new claims 143-146. Support for the amendments and new claims can be found throughout the specification, more specifically, in paragraphs 0006, 0008, and 0009. Based on the arguments and amendments herein, reconsideration and allowance of the subject application is respectfully requested. Thus, claims 1-5, 7, 9-11, 13-103, 105, 107-109, and 111-146 are currently pending in the present application.

With respect to the Examiner's statements regarding the Information Disclosure Statement filed September 5, 2002, Applicant herein submits copies of the references noted by the Examiner. Please note that EP 0 715 241 was erroneous submitted as JP 0 715 241 in the Information Disclosure Statement of September 5, 2002. Additionally, a copy of the missing Weber article has been ordered and will be resubmitted upon its receipt.

With respect to the Examiner's objection to the Drawings as submitted February 21, 2001, Applicant herein resubmits corrected copies of Figs. 1-12. Applicant believes the revised drawings will fully satisfy the requirements of 37 C.F.R. 1.84 and/or 1.152.

### **Claims Rejections under 35 U.S.C. § 101**

With respect to the rejection of claims 1-46 as being directed to non-statutory subject matter under 35 U.S.C. § 101, the Examiner asserts that the claims are directed to a process that does nothing more than manipulate an abstract idea, and thus, is not practically applicable in the technological arts. In response, Applicant herein amends independent claim 1 to ensure that the Examiner understands the practical applicability of the present invention.

In particular, claim 1 as amended recites a method for automatically publishing content, the method comprising the steps of receiving a selection of content from a user through a user computer system, receiving a request from the user through the user computer system to publish the selected content to at least one distributor computer system, receiving a user profile, generating metadata and a rights specification for the content to the at least one distributor computer system in response to the request from the user to publish the content, said metadata being based on the user profile, and storing the content on one or more repositories.

With respect to the rejection of claims 99-142 as being directed to non-statutory subject matter under 35 U.S.C. § 101, the Examiner asserts that the claims are directed to non-functional descriptive material per se, are not capable of causing functional changes in the computer, and are thus, non-statutory. In response, Applicant herein amends independent claim 99 to ensure that the Examiner understands the practical applicability of the present invention

In particular, claim 99 as amended recites an information storage media comprising information that automatically publishes content, the information comprising information that receives a selection of content from a user through a user computer system, information that receives a request from the user through the user computer system to publish the selected content to at least one distributor computer system, information that receives a user profile, information that generates metadata and a rights specification for the content to the at least one distributor computer system in response to the request from the user to publish the content, said metadata being based on the user profile, and information the stores the content on one or more repositories.

As is clearly indicated above, claims 1 and 99 have been amended to include receiving a selection of content and receiving a request from a user through a computer system. Since the invention as recited in the amended claims relates to, and is carried out through computer systems generally, the claimed invention is tied to the technological arts, environments, or machines. Thus, the claimed invention is directed to statutory subject matter in accordance to 35 U.S.C. § 101. Accordingly, Applicant respectfully requests that the rejection of claims 1-46 and 99-142 under 35 U.S.C. § 101 be withdrawn.

**Claims Rejections under 35 U.S.C. § 102(e)**

The Examiner has rejected claims 1-45, 47-91, 93, 95, 97-141 under 35 U.S.C. § 102(e) as being unpatentable over Spagna (US 6,587,837). In particular, the Examiner asserts that Spagna teaches a method for publishing content, the method comprising receiving a selection of content from a user, receiving a request to publish the selected content from the user, and supplying metadata and a rights specification to a distributor in response to the request from the user to publish the content. However, as discussed in the Interview, Spagna fails to teach receipt of a user profile and generation of metadata and a rights specification, the metadata being based on the user profile. In response, Applicant herein amends independent claims 1, 47, 93, and 99 to include one or more of the above deficiencies of Spagna.

Independent claims 1 and 99 have been amended to include the limitations of (1) receiving a user profile, and (2) generating metadata and a rights specification for content to at least one distributor computer system in response to a request from a user to publish the content, the metadata being based on the user profile. Similarly, independent claim 47 has been amended to recite a system including a processor capable of publishing content via a user interface to generate metadata and a rights specification, said metadata being based on a user profile. Additionally, independent claim 93 has been amended to recite a content distributor system including a processor responsive to generation of a metadata and a rights specification, said metadata being based on a user profile.

These novel limitations and features are critical to the claimed invention and are not taught by Spagna. Therefore, Applicant believes that independent claims 1, 47, 93, and 99 as amended are not anticipated by Spagna under 35 U.S.C. § 102(e). In addition, those claims dependent on independent claims 1, 47, 93, and 99 contain the limitations found therein and are not anticipated by Spagna. Accordingly, Applicant respectfully requests that the rejections under 35 U.S.C. § 102(e) be withdrawn and that claims 1-45, 47-91, 93, 95, 97-141 be placed in immediate condition for allowance.

**Claims Rejections under 35 U.S.C. § 103(a)**

The Examiner has rejected claims 46, 92, 94, 96, and 142 under 35 U.S.C. § 103(a) as being unpatentable over Spagna (US 6,587,837) in view of Ginter (US 6,253,193). In particular, the Examiner contends that Spagna discloses and teaches substantially the invention, and Ginter remedies the deficiencies of Spagna by teaching a method further comprising modifying one of the metadata rights and rights specification based upon a distributor business rule.

However, in light of the above amendments, Applicant contends that the limitations incorporated into independent claims 1, 47, 93, and 99 are features that included such a high degree of novelty at the time of the invention that it would not have been obvious to a person of ordinary skill in the art to incorporate, into the systems and methods taught by Spagna, the receipt of a user profile and generation of a metadata and a rights specification, the metadata being based on the user profile. Moreover, Ginter fails to remedy the deficiencies of Spagna by also failing to disclose a system or method incorporating receipt of a user profile and generation of a metadata and a rights specification, the metadata being based on the user profile.

Therefore, Applicant contends that independent claims 1, 47, 93, and 99 are not rendered obvious by Spagna, and, accordingly, those claims dependent on independent claims 1, 47, 93, and 99, are not rendered obvious by Spagna in light of Ginter. Thus, since Ginter fails to render obvious those features not taught by Spagna in claims 46, 92, 94, 96, and 142, Applicant respectfully requests that the rejection of claims 46, 92, 94, 96, and 142 under 35 U.S.C. § 103(a) be withdrawn and that claims 46, 92, 94, 96, and 142 be placed in immediate condition for allowance.

Therefore, in view of the foregoing, Applicant submits that each of claims 1-146 is in condition for immediate allowance. Accordingly, it is submitted that the present application is in condition for immediate allowance and a notice to that effect is respectfully requested. However, if the Examiner deems that any issue remains after considering this response, he is invited to call the undersigned to expedite the prosecution and work out any such issue by telephone.

Respectfully submitted,

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